

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CIVIL MINUTES

Case No.: CV 07-1339-HU

Date: January 28, 2011

Case Title: Arch Chemicals, Inc. & Lexington Insurance Company v. Radiator Specialty Company

Presiding Judge: Hon. Dennis J. Hubel

Courtroom Deputy: Kathleen Bartholomew (326-8060)

Reporter: Dennis Apodaca

PLAINTIFF'S COUNSEL

Thomas Allen
Shawn Scott
Mark Johnson
Ryan McLellan
Joseph Rohner

DEFENDANT'S COUNSEL

William Earle
Daniel Mullin
Paul Xochihua

DOCKET ENTRY: RECORD OF FINAL PRETRIAL CONFERENCE, DAY TWO, and ORDERS:

Further discussion regarding Plaintiffs' Omnibus Motions in Limine [441], subpart 7 (other accidents/incidents) was held, but rulings reserved for filing of the Pretrial Order. During this discussion, defendant's category listing in re Exhibit #538 marked as Court Exhibit#1; Product Liability Accident Report marked as Court Exhibit #2, and E-mail string between counsel regarding Exhibit #538 marked as Court Exhibit #3.

Further argument held regarding Defendant's Motions in Limine [437], which are granted in part and denied in part, and ruling is reserved, in part, as reflected in the record.

Plaintiffs' Motion for Sanctions pursuant to FRCP 37 [401], in re Dr. Zezulka, is granted in part and denied in part, as set forth on the record.

Plaintiffs' Motion for Sanctions pursuant to FRCP 37 [423], in re Dr. Curran, is granted in part and denied in part, as set forth on the record.

Motion to Dismiss or Grant Partial Summary Judgment Against Lexington Insurance Company's Claim for Unjust Enrichment [420] is granted.

cc: () All counsel
Civil Minutes
Revised 4/22/98

DOCUMENT NO: _____
Honorable Dennis J. Hubel

The court ruled on the parties' objections to proposed testimony of live witnesses as reflected in the record.

Plaintiffs' Motion in Limine to Exclude Reference to Shadow Trial [485] is granted.

The court reviewed trial procedures to be followed with counsel.

Pretrial Conference is continued to **February 3, 2011, at 9:30 a.m., in Courtroom #9B.**

cc: () All counsel
Civil Minutes
Revised 4/22/98

DOCUMENT NO: _____
Honorable Dennis J. Hubel